



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to consider the Planning Commission's recommendation of approval to the City Council for the rezoning of 255 East Harney Lane from C-S, Commercial Shopping to C-1, Neighborhood Commercial, and a recommendation that the City Council certify Negative Declaration ND-01-01 as adequate environmental documentation for the project.

MEETING DATE: May 2, 2001

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council approve the Planning Commission's recommendation of approval for the rezoning of 255 East Harney Lane from C-S, Commercial Shopping to C-1, Neighborhood Commercial, and the recommendation that the City Council certifies Negative Declaration ND-01-01 as adequate environmental documentation for the project.

BACKGROUND INFORMATION: The parcel is within the City of Lodi, is primarily zoned R-2, Single Family Residential with a one-acre portion on the corner zoned C-S, Commercial Shopping. The zone change is a proposal to rezone the one-acre portion of land at the northeast corner of Stockton Street and Harney Lane from C-S, Commercial Shopping to C-1, Neighborhood Commercial. No General Plan Amendment is required because C-1, Neighborhood Commercial zoning is consistent with the existing General Plan land use designation of NCC, Neighborhood Community Commercial.

The zone change is necessary to correct a mistake that occurred as part of the original annexation and rezoning of the parcel back in 1995. Although requested by the applicant, the property should not have been zoned C-S, because by ordinance C-S zoning cannot be established on parcels less than 2 acres in size. The change in zoning is a technicality, given that permitted uses in either the C-S or C-1 zone are fundamentally the same. The differences are primarily in the development standards, including setbacks, lot coverage, signage, and approval processes. Staff finds that the change in zoning is consistent with the General Plan and is necessary for the legal and proper development of this corner.

FUNDING: None required

Konradt Bartlam
Community Development Director

Prepared by: Associate Planner, Meissner

MM

Attachments

APPROVED:

H. Dixon Flynn -- City Manager



VICINITY MAP



MINUTES
LODI CITY PLANNING COMMISSION
CARNEGIE FORUM
305 WEST PINE STREET
LODI, CALIFORNIA

WEDNESDAY

MARCH 28, 2001

7:00 P.M.

The Planning Commission met and was called to order by Chairman McGladdery.

Commissioners Present: John Beckman, Steven Crabtree, Randall Heinitz,
Tim Mattheis, John Schmidt, and Chairman McGladdery

ROLL CALL

Commissioners Absent: John Borelli

Others Present: Konradt Bartlam, Community Development Director, Mark Meissner,
Associate Planner, Stephen Schwabauer, Assistant City Attorney, and Lisa
Wagner, Secretary.

The minutes of January 24, 2001 were approved as mailed with John
Schmidt abstaining from the vote.

MINUTES
January 24, 2001

PUBLIC HEARINGS

The request of the Community Development Director for the Planning Commission's recommendation of approval to the City Council for the rezoning of 255 East Harney Lane from C-S, Commercial Shopping to C-1, Neighborhood Commercial, and a recommendation that the City Council certify Negative Declaration ND-01-01 as adequate environmental documentation for the project.

This item was presented to the Commission by Associate Planner Meissner. He noted that the project site was located on a one-acre portion of land at the northeast corner of Stockton Street and Harney Lane. No General Plan Amendment was required because the C-1 zoning designation was consistent with the existing General Plan land use designation of NCC, Neighborhood Community Commercial. The parcel is close to 9 acres in size and is primarily zoned R-2, Single-Family Residential with the one-acre portion on the corner zoned C-S, Commercial Shopping.

Due to an oversight, when the property was originally annexed into the City, the one-acre site should have been zoned C-1 rather than C-S because a C-S zoning cannot be established on parcels less than 2 acres in size. Staff was in favor of the zone change and found the change to be consistent with the General Plan and was necessary for the proper development of the corner.

Hearing Opened to the Public

Jeffrey Kirst, Tokay Development, represented the property owners. Mr. Kirst concurred with the proposed rezoning.

Wendell Logan, 311 E. Harney Lane. Mr. Logan was interested in rezoning his property at 311 E. Harney for commercial use. He stated that his property would be impacted by the commercial zoning. He did not want a mini-market next to his home. Commissioner McGladdery responded that the whatever zoning Mr. Logan was

interested in, he would have to make an application for the rezone. Mr. Bartlam responded that Mr. Logan's property was located between two pieces of land currently zoned for residential and they would remain unchanged.

Commissioner Heinitz asked what the differences were in the C-S and C-1 zonings. Mr. Bartlam responded that the differences were primarily in the development standards, which regulates setbacks, lot coverage, and the process in which a development gets approved.

Sam Barner, 13475 S. Stockton Street. Mr. Barner owns property located south of the subject parcel. He asked what was planned for the subject parcel. Mr. Bartlam encouraged Mr. Barner to speak with the developer (Mr. Kirst) for more information. He further added that the City would be installing a traffic signal at the intersection of Harney Lane and Stockton Street in the near future.

Hearing Closed to the Public

The Planning Commission on motion of Commissioner Schmidt, Crabtree second, certified Negative Declaration (ND-01-01) as adequate environmental documentation by the following vote:

AYES: Commissioners: Beckman, Crabtree, Heinitz, Schmidt, Mattheis, and Chairman McGladdery

NOES: Commissioners:

ABSENT: Commissioners: Borelli

ABSTAIN: Commissioners

The Planning Commission on motion of Commissioner Schmidt, Crabtree second, approved to recommend to the City Council the rezoning of 255 East Harney Lane from C-S, Commercial Shopping to C-1, Neighborhood Commercial by the following vote:

AYES: Commissioners: Beckman, Crabtree, Heinitz, Schmidt, Mattheis, and Chairman McGladdery

NOES: Commissioners:

ABSENT: Commissioners: Borelli

ABSTAIN: Commissioners

The request of the Luckey Company and the Lodi Unified School District for the Planning Commission's recommendation of approval to the City Council for a General Plan Amendment and Rezoning for 1041 & 1171 East Harney Lane. The General Plan Amendment is from PR, Planned Residential to LDR, Low Density Residential and PQP, Public Quasi/Public, and the Rezoning from San Joaquin County AU-20 to R-2, Single Family Residential and PUB, Public. The request also includes a recommendation that the City Council certify Negative Declaration ND-00-12 as adequate environmental documentation for the project.



MEMORANDUM, City of Lodi, Community Development Department

To: Planning Commission

From: Community Development Department

Date: March 28, 2001

Subject: The request of the Community Development Director for the Planning Commission's recommendation of approval to the City Council for the rezoning of 255 East Harney Lane from C-S, Commercial Shopping to C-1, Neighborhood Commercial, and a recommendation that the City Council certify Negative Declaration ND-01-01 as adequate environmental documentation for the project.

SUMMARY

The Parisis Zone change is a proposal to rezone a one-acre portion of land at the corner of Stockton Street and Harney Lane from C-S, Commercial Shopping to C-1, Neighborhood Commercial. The property is located at 255 East Harney Lane, Assessor Parcel Number: 062-290-09. No General Plan Amendment is required because C-1, Neighborhood Commercial zoning is consistent with the existing General Plan land use designation of NCC, Neighborhood Community Commercial.

BACKGROUND

The subject parcel is within the City of Lodi, is primarily zoned R-2, Single Family Residential with a one-acre portion on the corner zoned C-S, Commercial Shopping. The zone change is necessary to correct a mistake that occurred as part of the original annexation and rezoning of the parcel back in 1995. Although requested by the applicant, the property should not have been zoned C-S, because by ordinance C-S zoning cannot be established on parcels less than 2 acres in size. The change in zoning is a technicality, given that permitted uses in either the C-S or C-1 zone are fundamentally the same. The differences are primarily in the development standards, including setbacks, lot coverage, signage, and approval processes.

A few of the major differences between the two zones are outlined in the following table:

	C-1, Neighborhood Commercial	C-S, Commercial Shopping
Setbacks (Street Frontage)	10-feet (parking standard)	50-feet
Other Property Lines	None	25-feet
Lot Coverage	Whatever is left over after required parking.	25-percent
Minimum Lot Size	Big enough for the building and required parking.	2-acres
Development Plan Required	No	Yes

While it is possible to develop the property under the C-S zoning, staff finds that it makes sense to correct the error. Staff finds that the change in zoning is consistent with the General Plan and is necessary for the legal and proper development of this corner.

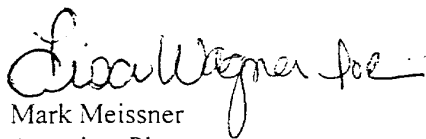
RECOMMENDATION

Staff recommends that the Planning Commission recommend approval to the City Council for the rezoning of 255 East Harney Lane from C-S, Commercial Shopping to C-1, Neighborhood Commercial, and a recommendation that the City Council certify Negative Declaration ND-01-01 as adequate environmental documentation for the project. The recommendations shall be subject to the conditions listed in the attached resolution.

ALTERNATIVE PLANNING COMMISSION ACTIONS

- Approve the Request with Alternate Conditions
- Deny the Request
- Continue the Request

Respectfully Submitted,



Mark Meissner
Associate Planner

Reviewed and Concur,



Konrad Bartlam
Community Development Director

MGM

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: March 28, 2001

APPLICATION NO: Rezone No. Z-01-01

REQUEST: The request of the Community Development Director for the Planning Commission's recommendation of approval to the City Council for the rezoning of 255 East Harney Lane from C-S, Commercial Shopping to C-1, Neighborhood Commercial, and a recommendation that the City Council certify Negative Declaration ND-01-01 as adequate environmental documentation for the project.

LOCATION: 255 East Harney Lane (062-290-09)

APPLICANT: City of Lodi
221 West Pine Street
Lodi, CA 95240

OWNERS: Park Place Development, LLC
c/o Ron Thomas
P.O. Box 1598
Lodi, CA 95241-1598

Site Characteristics: The subject property sits within the City and is located on the northeast corner of South Stockton Street and East Harney Lane. The property is vacant, relatively flat, and has no unusual or extraordinary topographic features.

General Plan Designation: NCC, Neighborhood Community Commercial

Zoning Designation: C-S, Commercial Shopping

Property Size: 8.81-acres, Area of Rezone 1-acre.

Adjacent Zoning and Land Use:

North: R-2, Residential Single-Family; LDR, Low Density Residential.

South: AG-40, General Agriculture (County); PRR, Planned Residential Reserve.

East: R-2, Residential Single-Family; LDR, Low Density Residential.

West: M-2, Heavy Industrial; HI, Heavy Industrial.

Neighborhood Characteristics:

The project area is north of Harney Lane and diagonally across from a few rural residences. To the west of the project site across Stockton Street is a partially developed parcel with a Montessori School. To the east is vacant land zoned R-2, Single-Family Residential. To the north of the project site is the remainder of this parcel of land zoned R-2, Single-Family Residential and planned for the development of the Parisis Property Subdivision.

ENVIRONMENTAL ASSESSMENTS:

Negative Declaration ND-01-01 has been prepared in accordance with CEQA. This document adequately addresses possible adverse environmental effects of this project. No significant impacts are anticipated.

PUBLIC HEARING NOTICE:

Legal Notice for the rezone was published on March 17, 2001. A total of 20 notices were sent to all property owners of record within a 300-foot radius of the subject property.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval to the City Council for the rezoning of 255 East Harney Lane from C-S, Commercial Shopping to C-1, Neighborhood Commercial, and a recommendation that the City Council certify Negative Declaration ND-01-01 as adequate environmental documentation for the project. The recommendations shall be subject to the conditions listed in the attached resolution.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Request with Alternate Conditions
- Deny the Request
- Continue the Request

ATTACHMENTS:

1. Vicinity Map
2. Negative Declaration
3. Draft Resolution



VICINITY MAP

74

RESOLUTION NO. P.C. 01-07

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
RECOMMENDING APPROVAL OF THE REQUEST OF THE COMMUNITY DEVELOPMENT
DIRECTOR FOR APPROVAL OF REZONING Z-01-01 TO THE LODI CITY COUNCIL.**

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Rezoning in accordance with the Government Code and Lodi Municipal Code Chapter 17.84, Amendments;

WHEREAS, the property is located at 255 East Harney Lane, Lodi, CA 95242, Assessor's Parcel No. 062-290-09;

WHEREAS, the project proponent is the City of Lodi Community Development Director, 221 West Pine Street, Lodi, CA 95240;

WHEREAS, the property has zoning designations of R-2, Single Family Residential and C-1, Neighborhood Commercial;

WHEREAS, all legal prerequisites to the approval of this request have occurred.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows:

1. Negative Declaration File No. ND-01-01 has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided there under. Further, the Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in this Resolution.
2. It is found that the one acre portion of the parcel to be rezoned is located at 255 East Harney Lane, Lodi, CA 95242, Assessor's Parcel No.: 062-290-09.
3. It is found that the requested change of zoning from C-S, Commercial Shopping to C-1, Neighborhood Commercial is not in conflict with adopted plans or policies of the General Plan of the City and will serve sound Planning practice.
4. It is further found that the land of the proposed rezone is physically suitable for the proposed development.
5. The Planning Commission of the City of Lodi hereby recommends approval of Rezone Z-01-01 to the City Council of the City of Lodi.

Dated: March 28, 2001

I hereby certify that Resolution No. 01-07 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 28, 2001, by the following vote:

AYES: Commissioners: Beckman, Crabtree, Heintz, Mattheis, Schmidt, and Chairman McGladdery

NOES: Commissioners:

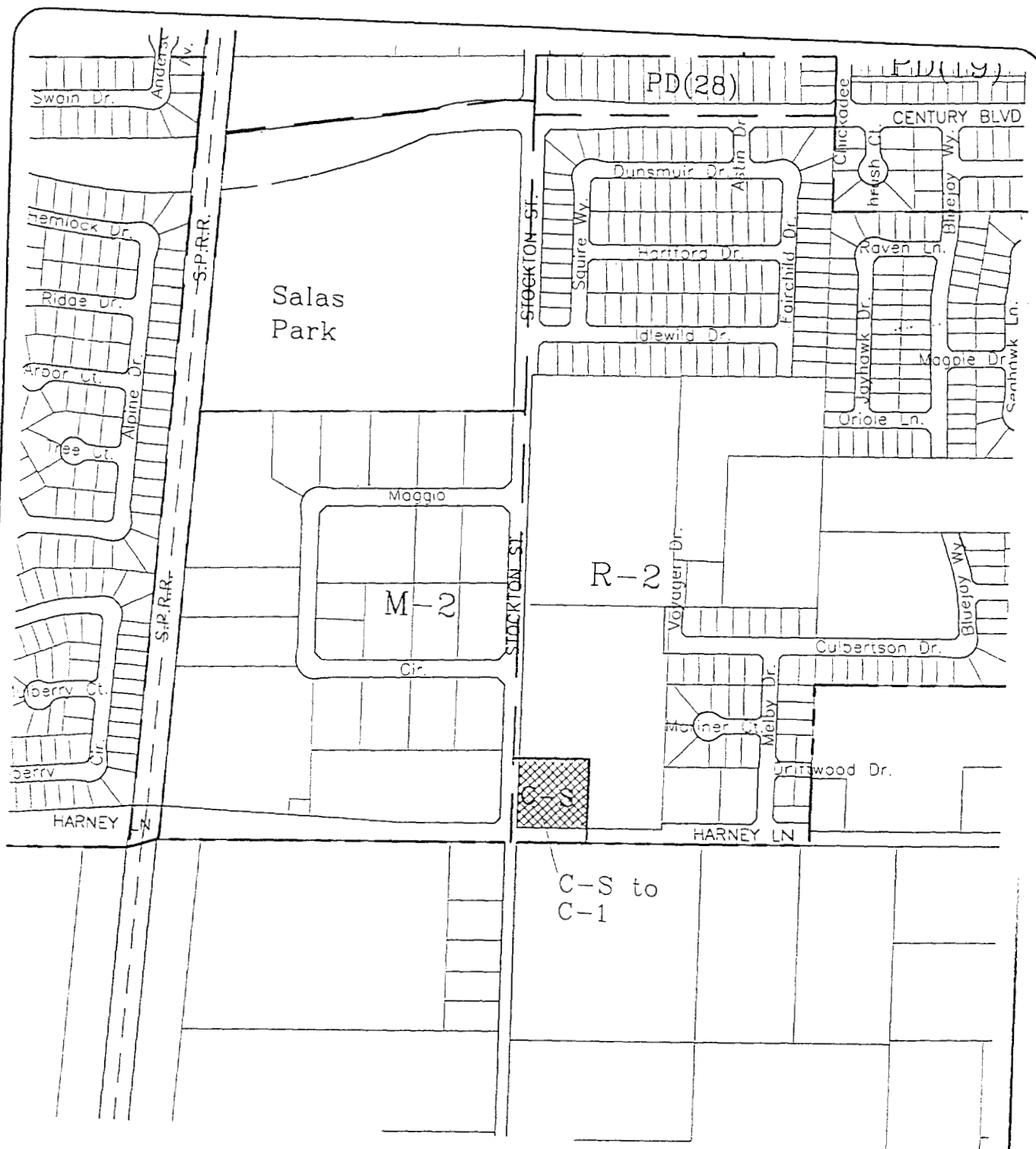
ABSENT: Commissioners: Borelli

ABSTAIN: Commissioners:

ATTEST:



Secretary, Planning Commission



PROPOSED ZONING MAP

LEGEND

- RESIDENTIAL ZONES:
 - R-1 - SINGLE FAMILY
 - R-2 - SINGLE FAMILY
 - R-1D - LOW DENSITY
 - R-2D - MEDIUM DENSITY
 - R-3D - HIGH DENSITY (APARTMENT)
 - R-4D - HIGH DENSITY (APARTMENT)
 - P-D - PLANNED DEVELOPMENT
 - R-1E - SINGLE-FAMILY (EASTSIDE)
- COMMERCIAL ZONES:
 - R-CF - PROFESSIONAL OFFICES
 - R-CP - PROFESSIONAL OFFICES (EASTSIDE)
 - C-1 - NEIGHBORHOOD
 - C-2 - GENERAL
 - C-3 - SHOPPING CENTER
- OTHER ZONES:
 - U-M - UNCLASSIFIED HOLDING
 - F-P - FLOOD PLAIN
 - PUB - PUBLIC

ORDINANCE NO. ____

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING THE
OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY
REZONING 255 EAST HARNEY LANE (APN 062-290-09) FROM
C-S, COMMERCIAL SHOPPING TO C-1, NEIGHBORHOOD
COMMERCIAL

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. The Official District Map of the City of Lodi adopted by Title 17 of the Lodi Municipal Code is hereby amended as follows:

1-acre parcel located at 255 East Harney Lane (APN 062-290-09) is hereby rezoned from CS, Commercial Shopping to C-1, Neighborhood Commercial, as shown on Exhibit "A" attached, which is on file in the office of the City Clerk.

Section 2. A Negative Declaration (ND-01-01) has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder. Further, the Planning Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in their Resolution No. P.C. 01-07.

Section 3 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 5. The alterations, changes, and amendments of said Official District Map of the City of Lodi herein set forth have been approved by the City Planning Commission and by the City Council of this City after public hearings held in conformance with provisions of Title 17 of the Lodi Municipal Code and the laws of the State of California applicable thereto.

Section 6. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 7. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this ____ day of _____, 2001

ALAN S. NAKANISHI
Mayor

Attest:

SUSAN J. BLACKSTON
City Clerk

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held May 2, 2001 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 2001 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

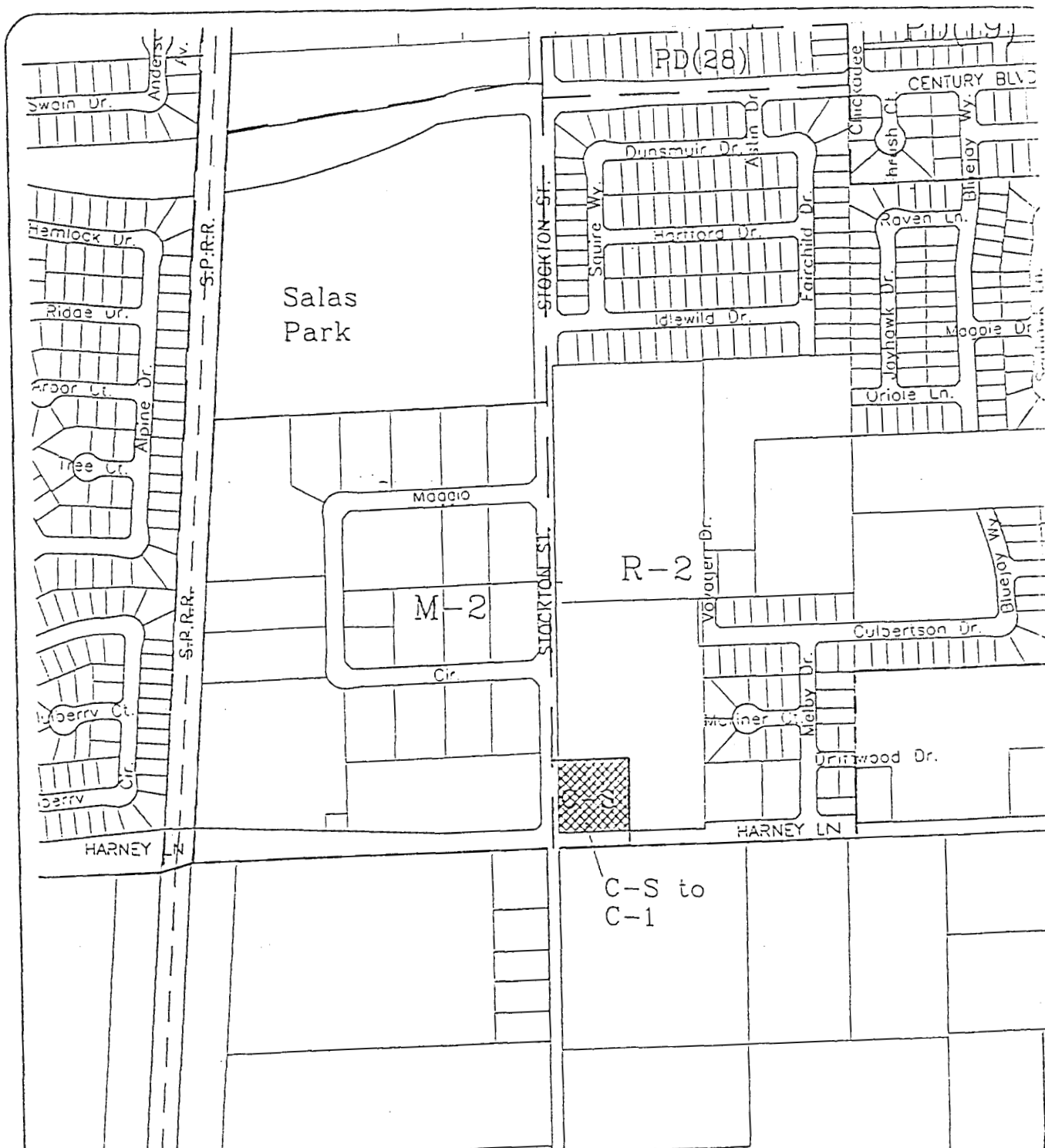
I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON
City Clerk

Approved as to Form:



RANDALL A. HAYS
City Attorney



LEGEND

- RESIDENTIAL ZONES:
 - R-1 - SINGLE FAMILY
 - R-2 - SINGLE FAMILY
 - R-3 - LOW DENSITY
 - R-4 - MEDIUM DENSITY
 - R-5 - HIGH DENSITY (APARTMENTS)
 - R-6 - HIGH DENSITY (APARTMENTS)
 - R-7 - PLANNED DEVELOPMENT
 - R-8 - SINGLE-FAMILY (EASTSIDE)
- COMMERCIAL ZONES:
 - C-1 - PROFESSIONAL OFFICES
 - C-2 - PROFESSIONAL OFFICES (EASTSIDE)
 - C-3 - WHOLESALE BUSINESS
 - C-4 - ZONE PLAZA
 - C-5 - SHOPPING CENTER
- OTHER ZONES:
 - O-1 - UNCLASSIFIED HOLDING
 - O-2 - FLOOD PLAIN
 - O-3 - PUBLIC

PROPOSED ZONING MAP

RESOLUTION NO. 2001-102

A RESOLUTION OF THE LODI CITY COUNCIL CERTIFYING THE
NEGATIVE DECLARATION (ND-01-01) AS ADEQUATE
ENVIRONMENTAL DOCUMENTATION FOR THE REZONE OF
PROPERTY LOCATED AT 255 EAST HARNEY LANE, LODI, CA

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WHEREAS, public hearings were held by the Planning Commission and City Council on March 28, 2001 and May 2, 2001 respectively, on the following described Rezone:

Rezone a one-acre parcel located at 255 East Harney Lane (APN 062-290-09) from CS, Commercial Shopping to C-1, Neighborhood Commercial, as shown on Exhibit "A" attached, which is on file in the office of the City Clerk.

WHEREAS, a Negative Declaration (ND-01-01) has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder. Further, the Planning Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in their Resolution No. P.C. 01-07; and

WHEREAS, it is the Planning Commission recommendation that City Council approve its finding that the Negative Declaration is adequate environmental documentation.

NOW, THEREFORE, BE IT RESOLVED that the City Council has reviewed all documentation and hereby certifies the Negative Declaration as adequate environmental documentation for the rezone of 255 East Harney Lane.

Dated: May 2, 2001

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I hereby certify that Resolution No. 2001-102 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 2, 2001, by the following vote:

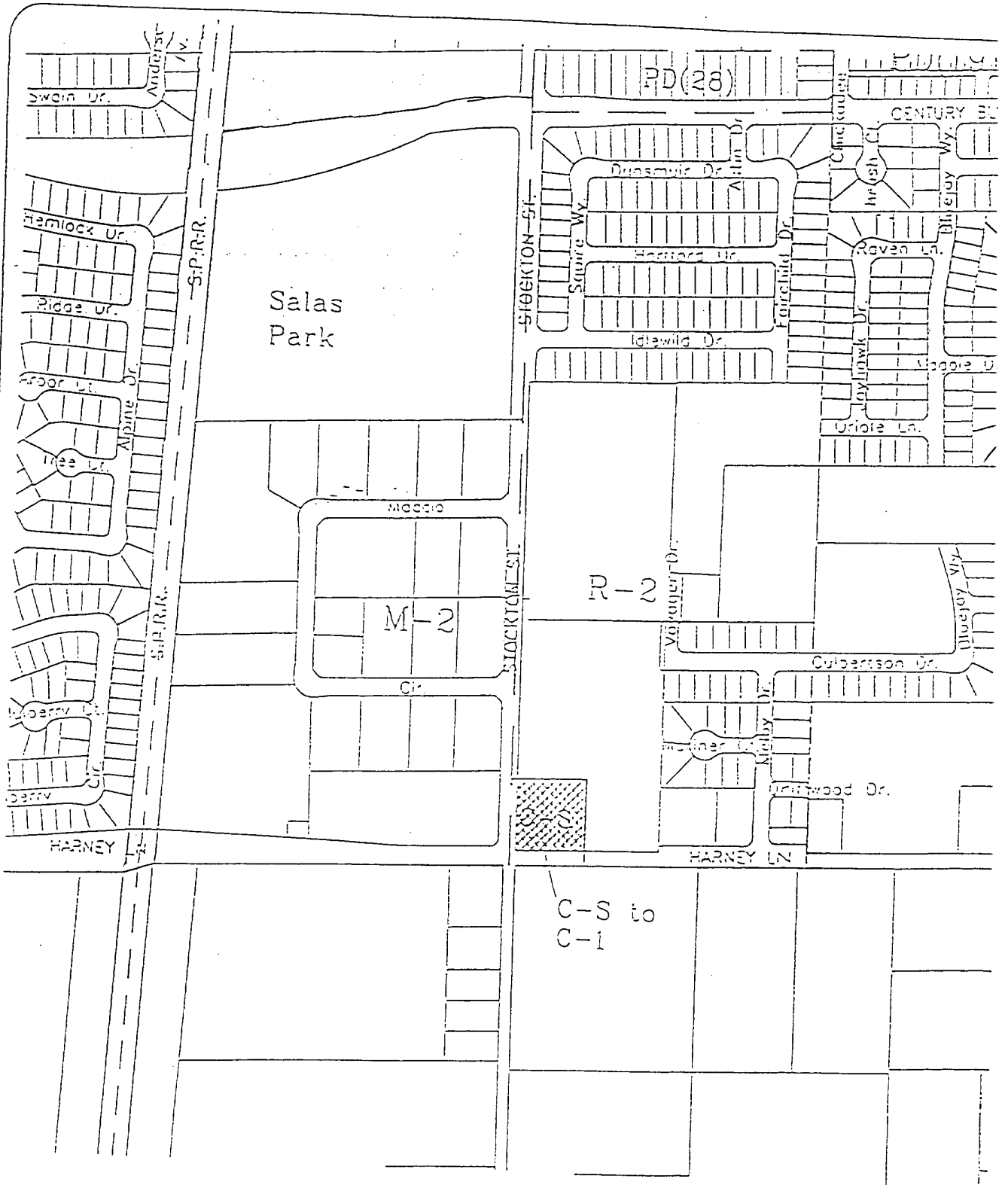
AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk



PROPOSED ZONING MAP

LEGEND

- RESIDENTIAL ZONES:
 - Single-Family Detached
 - Single-Family Attached
 - Two-Family Detached
 - Two-Family Attached
 - Multi-Family Detached
 - Multi-Family Attached
 - Mobile Home
- COMMERCIAL ZONES:
 - Neighborhood Center
 - Community Center
 - Office
 - Professional Office
 - Public Office
 - Public Office
- OTHER ZONES:
 - Public Office
 - Public Office
 - Public Office



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: SET PUBLIC HEARING FOR MAY 2, 2001 TO CONSIDER PLANNING
COMMISSION'S RECOMMENDATION FOR THE REZONING OF 255 E. HARNEY
LANE

PUBLISH DATE(s): SATURDAY, APRIL 21, 2001


TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: APRIL 19, 2001

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK


JENNIFER M. PERRIN
DEPUTY CITY CLERK

Verify Appearance of this Legal in the Newspaper - Copy to File

Hand-delivered
Faxed to the Sentinel at 369-1084 at 1:15pm (time) on 4/19/01 (date) _____ (pages)
Sharon _____ Phoned to confirm receipt of all pages at _____ (time) _____ Jac _____ Jen (initials)



CITY OF LODI
Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: May 2, 2001

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, May 2, 2001** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Planning Commission's recommendation of approval to the City Council for the rezoning of 255 East Harney Lane from C-S, Commercial Shopping to C-1, Neighborhood Commercial, and a recommendation that the City Council certify Negative Declaration ND-01-01 as adequate environmental documentation for the project.

Information regarding this item may be obtained in the office of the Community Development Department Director, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: April 18, 2001

Approved as to form:

Randall A. Hays
City Attorney

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA,

County of San Joaquin.

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily, except Sundays and holidays, in the City of Lodi, California, County of San Joaquin, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953, Case Number 65990; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

April 21

all in the year 2001.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 21 day of

April, 2001.

Sarah Watersman
Signature

This space is for the County Clerk's Filing Stamp

RECEIVED

MAY 1 2001

City Clerk
City of Lodi

Proof of Publication of

Public Hearing

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, May 2, 2001 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

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If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:
Susan J. Blackston
City Clerk

Dated: April 18, 2001

Approved as to form:
Randall A. Hays
City Attorney
April 21, 2001

— 3288

3288

PROOF OF PUBLICATION



DECLARATION OF MAILING

Notice: Public Hearing on May 2, 2001 to Consider Planning Commission's Recommendation for the Rezoning of 255 E. Harney Lane

On April 19, 2001 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 19, 2001, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK


JENNIFER M. PERRIN
DEPUTY CITY CLERK

EXHIBIT B

255 E. Harney Lane

- 1) 06229008;BECKMAN, DOLORIES E TR ETAL ;PO BOX 1537 ;LODI ;CA;95241
- 2) 06229009;PARISIS, ANGELOS S TR ;9949 FERNWOOD AVE ;STOCKTON ;CA;95212
- 3) 06229025;THAYER, WALTER & JOANN M ETAL;311 E HARNEY LN ;LODI ;CA;95242
- 4) 06229026;THAYER, WALTER & J M ;325 E HARNEY LN ;LODI ;CA;95240
- 5) 06229030;PERLEGOS, GEORGIA ETAL ;PO BOX 1823 ;LODI ;CA;95241
- 6) 06241009;SIMPSON, TIMOTHY D & M J ETAL ;2405 S STOCKTON ST STE 1 ;LODI ;CA;95240
- 7) 06241010;DEL CASTILLO, MARCIANO & B ;13191 N HWY 99 ;LODI ;CA;95240
- 8) 06241016;HAAS, MICHAEL R ETAL ;PO BOX 2300 ;LODI ;CA;95241
- 9) 06241017;FRITZ, DANIEL G & AMY S TR ;1234 RIVERGATE DR ;LODI ;CA;95240
- 10) 06241018;PAPPOUS, ANASTASIOS & C ;5395 ENTRADA OLMOS ;SAN JOSE ;CA;95123
- 11) 06241020;TARDITI, TERRY TR ETAL ;11698 N HWY 99 ;LODI ;CA;95240
- 12) 06241025;PLUMMER, DENNIS W TR ETAL ;1011 S CHEROKEE LN ;LODI ;CA;95240
- 13) 06241015;VOLKERT, JOHN L & INEKE M TR ;2506 MAGGIO CI ;LODI ;CA;95240
- 14) 6257026;PARK PLACE DEVELOPMENT LLC ;PO BOX 1598 ;LODI ;CA;95241
- 15) 05813002;VARNER, SAMUEL J ;13475 N STOCKTON ST ;LODI ;CA;95240
- 16) 05813003;HAZELET, KENNETH E & DEBRA ;13409 N STOCKTON ST ;LODI ;CA;95240
- 17) 05813008;MCLEAN, JEFFREY JOHN ETAL ;4044 E HARNEY LN ;LODI ;CA;95240
- 18) 05813007;KAYAYAN, BEDROS TR ;13322 N STOCKTON ST ;LODI ;CA;95240
- 19) 05813024;TSUTSUMI, AGNES M TR ETAL ;3725 E ARMSTRONG RD ;LODI ;CA;95240



DECLARATION OF POSTING

On Thursday, April 19, 2001 in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing for May 2, 2001 to consider the Planning Commission's recommendation for the rezoning of 255 E. Harney Lane, (attached hereto, marked Exhibit "A") was posted at the following three locations:

Lodi Public Library
Lodi Police Public Safety Building
Lodi City Hall Lobby

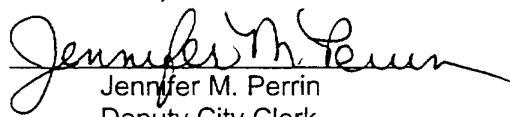
I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 19, 2001, at Lodi, California.

ORDERED BY:

SUSAN J. BLACKSTON
CITY CLERK

Jacqueline L. Taylor
Deputy City Clerk


Jennifer M. Perrin
Deputy City Clerk